

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

Indian D. Jackson,

Plaintiff,

v.

Pardee Memorial Hospital Foundation, Inc.
d/b/a Margaret Pardee Memorial Hospital.,

Defendants.

Civil Action No.:

NOTICE OF REMOVAL

COME NOW Defendants Pardee Memorial Hospital Foundation, Inc. d/b/a Margaret Pardee Memorial Hospital (hereinafter collectively Defendant”) and, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this action from the General Court of Justice, Superior Court Division in Henderson County, North Carolina to the United States District Court for the Western District of North Carolina, Asheville Division. Defendants consent to removal of this action. As grounds therefore, Defendants show as follows:

1. This action was initially commenced in the General Court of Justice, Superior Court Division in the State of North Carolina, County of Henderson on November 29, 2020 as Case No. 2020-CVS-1879 against Defendants Pardee Memorial Hospital Foundation, Inc. d/b/a Margaret Pardee Memorial Hospital. (See Exhibit 1.)

2. Defendants received a copy of the Summons and Complaint on December 14, 2020 through purported service by Certified U.S. Mail. (See Exhibit 2.) Thus, Defendants’ Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as Defendants are filing the same

within 30 days of “receipt by defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a). The events asserted by Plaintiff giving rise to her claims allegedly occurred in Henderson County, North Carolina. Accordingly, venue properly lies in the United States District Court for the Western District of North Carolina, Asheville Division as the District Court and Division encompassing the Henderson County Superior Court.

4. In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendants and on file with the General Court of Justice Superior Court Division in North Carolina, Henderson County are attached hereto. (See Exhibits 1 and 2.)

5. In accordance with 28 U.S.C. § 1446(d), Defendants will promptly give written notice of the filing of this Notice of Removal to Plaintiff, the only adverse party, and will also file a Notice of Filing this Notice of Removal with the General Court of Justice Superior Court Division in the State of North Carolina, Henderson Court, a copy of which is attached hereto as Exhibit 3.

Federal Question Jurisdiction

6. This action is properly removable to federal court because Plaintiff’s complaint presents a federal question pursuant to 28 U.S.C. § 1331, inasmuch as Plaintiff alleges violations of Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 2000e, *et seq.*, and 42 U.S.C. § 1981 (Section 1981), which are federal causes of action arising under the Constitution, laws, or treaties of the United States over which this Court has original federal question jurisdiction. The Court may exercise supplemental jurisdiction over remaining pendant claims.

7. Therefore, removal is appropriate pursuant to 28 U.S.C. §§ 1331 and 1441.

WHEREFORE, on the basis of the foregoing, Defendants remove this action from the General Court of Justice, Superior Court Division in the State of North Carolina, County of Henderson.

Dated this the 12th day of January, 2021.

Respectfully submitted,

s/ Matthew J. Gilley

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CERTIFICATE OF SERVICE

I, Matthew J. Gilley, hereby certify that the **NOTICE OF REMOVAL** was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will serve notice on Counsel for Plaintiff identified below.

Alesha S. Brown, Esq.
Hall and Dixon, PLLC
725 East Trade Street, Suite 115
Charlotte, NC 28202

Dated this the 12th day of January, 2021.

s/ Matthew J. Gilley
Matthew J. Gilley

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